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APPLICATION NO		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,035		10/14/2003	William L. Stewart II	50777/283065	4894
23370	7590	07/07/2005		EXAMINER	
JOHN S.			HERRING	HERRING, LISA L	
1100 PEAG		KTON, LLP TREET	ART UNIT	PAPER NUMBER	
ATLANTA	A, GA 30	309	1731		
				DATE MAILED: 07/07/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 14 October 2003. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)□ Claim(s) is/are allowed. 6)□ Claim(s) is/are objected to. 8)☑ Claim(s) is/are objected to. 8)☑ Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * o□ None of: □ Certified copies of the priority documents have been received. □ Certified copies of the priority documents have been received in Application No 3 □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.				, 5					
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Lisa Herring		Office Action Summary							
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Eletericine for ten may be available under the proximate of 3 CFR 1.136(a). In an event, however, may a raply be timely filled  If the period for reply specified above its less than thirty (20) days, a reply whitin the salutiony minimum of thirty (20) days, a reply whitin the salution priod will apply and will explose (6) MONTHS from the realing date of this communication.  Final priod for reply supplied to reply will, by salution, source the application is become ABANCORED (30 U.S. c. 5.135).  If the period for reply supplied the set of selected priod for reply will, by salution priod will apply and will explose (6) MONTHS from the realing date of this communication.  Final priod for reply supplied to the selected priod for reply will, by salution priod for reply will, by salution selected to priod for reply will, by salution selected from the selected priod for reply will, by salution selected from the selected priod for reply will, by salution selected from the selected priod for reply will, by salution selected from the selected priod for reply will, by salution selected from the selection selected									
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.13(c). In no event, however, may a reply be timely filled after 5X (6) MONTHS from the making date of this communication.  If NO section to reply is sectional above, the materian states of the communication.  Failure to reply within the set or adended period for reply will, by statute, cause the application to become ABANDONED GIS U.S.C. § 133).  Any reply researed by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any extended paths of the communication of the communication is provided to the communication of the communication is provided to the communication of the communication is provided to the communication, even if timely filled, may reduce any extended paths of the communication of the communicati									
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## **DETAILED ACTION**

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## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-12 and 18-20, drawn to an apparatus, classified in class 65, subclass 501.
- II. Claims 13-17, drawn to a method, classified in class 65, subclass 407. The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, such as cutting and fusing of wire or any other thread-like element.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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5. A telephone call was made to Michael Turton on June 28, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Herring whose telephone number is 571-272-1094. The examiner can normally be reached on Mon-Fri. 7:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700

L. Herring